

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claims 10-12 and 37-40 are currently being cancelled (please note that claims 10-12 and 38 were withdrawn from consideration, whereby Applicant reserves the right to prosecute these claims in a divisional application, if desired).

Claims 1, 3, 4, 7, 13, 16, 17, 19, 20, 26 and 35-36 are currently being amended.

No claims are currently being added.

This amendment and reply amends and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and canceling the claims as set forth above, claims 1-4, 7, 13, 15-20, 26 and 35-36 are now pending in this application.

Claim Rejections – 35 U.S.C. § 101:

In the Office Action, claims 37 and 39-40 were rejected under 35 U.S.C. § 101 as lacking patentable utility. Due to the cancellation of claims 37 and 39-40, this rejection is now moot.

Claim Rejections – 35 U.S.C. § 112, First Paragraph:

In the Office Action, claims 2, 3, 16, 19, 35 and 36 were rejected under 35 U.S.C. § 112, First Paragraph, as failing to comply with the written description requirement, for the reasons set forth on page 3 of the Office Action.

With respect to the rejection of claims 2, 15 and 18, page 39 of the specification has been amended to more clearly describe the features intended in that paragraph. No new matter is believed to have been added. Accordingly, claims 2, 15 and 18 fully comply with the written description requirement.

With respect to the rejection of claims 3, 16 and 19, written description support for these claims may be found on page 29, line 21 to page 30, line 5 of the specification, which

starts with the following description: “The adding conditions, adding range, and protection key values stored in the adding conditions/adding range/protection key storage section 30 are able to be rewritten from the outside.” However, in the interest of expediting prosecution, claims 3, 16 and 19 have been amended slightly for consistency, so that there is now no question that these claims have full written description support in the specification.

With respect to the rejection of claims 35 and 36, those claims have been amended to correct an error in those claims, whereby they now fully comply with the written description requirement.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph:

In the Office Action, claims 4, 20, 37 and 39-40 were rejected under 35 U.S.C. § 112, Second Paragraph, as being indefinite, for the reasons set forth on pages 3 and 4 of the Office Action.

With respect to the rejection of claims 4 and 20, the phrase “bit-to-byte conversion” has been removed from those claims, thereby obviating the written description rejection of those claims.

With respect to the rejection of claims 37 and 39-40, those claims have been canceled, thereby rendering the rejection of those claims moot.

Claim Rejections – Prior Art:

In the Office Action, claims 1, 3, 7, 13, 16, 17, 19, 26 and 35-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,987,137 to Karppanen; claims 2, 15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Karppanen in view of U.S. Patent No. 7,027,568 to Simpson; and claims 4 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Karppanen in view of U.S. Patent Publication No. 2002/0089987 to Sasaki. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Presently pending independent claim 1 has been amended to recite that the calculation unit that performs an arithmetic operation on the M second bytes using a second value without performing the arithmetic operation on the N intermediate bytes, when the determination unit determines that the first byte indicates the first value. Such features are

not disclosed or suggested by Karppanen, whereby Karppanen performs an arithmetic operation on all of his bits.

Please note that the features added to independent claim 1 come from now-canceled claim 37, whereby that claim was not rejected over any art of record.

Accordingly, presently pending independent claim 1 is not anticipated by Karppanen.

Presently pending independent claims 13 and 17 have been amended in a manner similar to the amendments made to claim 1, whereby those claims are also not anticipated by Karppanen.

The presently pending dependent claims under rejection are patentable for the specific features recited in those claims, as well as due to their dependency on either base claim 1, 13 and 17. For example, with respect to claims 2, 15 and 18, which were rejected based in part on the teachings of Simpson, Simpson merely discloses to set the MSB to 1 or 0 in order to distinguish a status byte and a data byte, whereby Simpson does not teach or suggest to set the MSB to 1 or 0 by performing any arithmetic operation.

Accordingly, dependent claims 2, 15 and 18 are patentable over the combined teachings of Karppanen and Simpson.

Conclusion:

Since all of the issues raised in the final Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 27, 2007

By Phillip J. Articola

FOLEY & LARDNER LLP
Washington Harbour
3000 K Street NW, Suite 500
Washington, D.C. 20007-5143
Telephone: (202) 672-5426
Facsimile: (202) 672-5399

Glenn Law
Registration No. 34,371

Phillip J. Articola
Registration No. 38,819